

ESTTA Tracking number: **ESTTA297248**

Filing date: **07/24/2009**

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE
BEFORE THE TRADEMARK TRIAL AND APPEAL BOARD

Proceeding	91190278
Party	Defendant Harmonic Drive L.L.C.
Correspondence Address	Bassam N. Ibrahim Buchanan Ingersoll & Rooney PC P.O. Box 1404 Alexandria, VA 22313-1404 bassam.ibrahim@bipc.com
Submission	Answer
Filer's Name	S. Lloyd Smith
Filer's e-mail	lloyd.smith@bipc.com, bassam.ibrahim@bipc.com
Signature	/sls/
Date	07/24/2009
Attachments	Answer to Notice of Opposition.pdf (4 pages)(89766 bytes)

1. Applicant lacks sufficient knowledge and information to form a belief as to the allegations in Paragraph 1, and therefore denies the same.
2. Applicant lacks sufficient knowledge and information to form a belief as to the allegations in Paragraph 2, and therefore denies the same.
3. Applicant lacks sufficient knowledge and information to form a belief as to the allegations in Paragraph 3, and therefore denies the same.
4. Applicant lacks sufficient knowledge and information to form a belief as to the allegations in Paragraph 4, and therefore denies the same.
5. Applicant lacks sufficient knowledge and information to form a belief as to the allegations in Paragraph 5, and therefore denies the same.

6. Applicant denies the allegations in Paragraph 6.
7. Opposer has misled the Trademark Trial and Appeal Board regarding the contents of U.S. Application Serial No. 77/030,648 and the definition of the term harmonic as it relates to a strain wave. Applicant denies the allegations in Paragraph 7.
8. The United States Patent and Trademark Office Record for U.S. Application Serial No. 77/030,648 speaks for itself. Applicant denies the remaining allegations in Paragraph 8.
9. Applicant denies the allegations in Paragraph 9.
10. Applicant denies the allegations in Paragraph 10.
11. Applicant denies the allegations in Paragraph 11.
12. Applicant denies the allegations in Paragraph 12.
13. Applicant denies the allegations in Paragraph 13.
14. Applicant denies the allegations in Paragraph 14.

AFFIRMATIVE DEFENSES

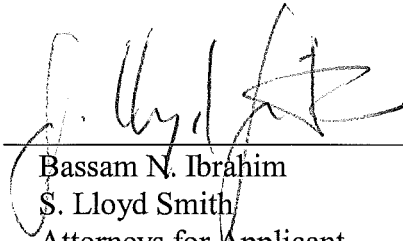
15. Opposer has failed to state a cause of action in the Notice of Opposition upon which relief can be granted in law or equity.
16. Each of Opposer's claims is barred, in whole or in part, by the doctrine of unclean hands, laches, and estoppel.
17. Opposer lacks standing or capacity, or both, to bring some or all of the claims alleged in the Notice of Opposition.
18. Opposer cannot establish that it has been damaged.
19. Applicant expressly reserves the right to assert any other defenses that discovery may reveal.

WHEREFORE, Applicant requests that the Opposition be denied; that Application Serial No. 77/373,925 be allowed to register; and for such further relief as may be proper.

Respectfully submitted,

Harmonic Drive, L.L.C.

By:

A handwritten signature in black ink, appearing to read "B. Ibrahim", is written over a horizontal line.

Bassam N. Ibrahim

S. Lloyd Smith

Attorneys for Applicant

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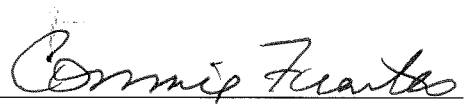
Telephone: 703-836-6620

Date: July 24, 2009

CERTIFICATE OF SERVICE

I hereby certify that a true copy of the foregoing ANSWER TO NOTICE OF OPPOSITION
was served this 24th day of July, 2009 by first-class mail, postage prepaid, on:

Michael J. Feigin
Law Firm of Michael J. Feigin, Esq.
103 The Circle
Passaic, NJ 07055



Connie Fuentes